

REMARKS

The present amendment is responsive to the Office Action mailed in the above-referenced case on March 28, 2003. In the Office Action claims 6-9, and 14-16 are presented for examination. Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being anticipated by Ginsberg (US 6064730) hereinafter Ginsberg in view of Becker (U.S. 6,366,575). Applicant points out that the reference name of Becker does not match the U.S. patent number provided by the Examiner. Applicant will assume the Examiner is actually relying on Becker (6,044,144) in said rejection, as the text of the rejection supports such an assumption. Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ginsberg, Becker and further in view of Bateman, of record. Claims 6-9 and 14-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Andrews (US 5848143) hereinafter Andrews in view of Becker (U.S. 6,044,144) hereinafter Becker.

In response to the Examiner's rejections and statements, applicant argues that the art presented by the Examiner does not combine to provide a Prima Facie Section 103(a) case against the standing claims. Applicant's arguments below patentably distinguish applicant's claimed invention over the prior art of Andrews, Becker, Barkan and Ginsberg.

Regarding claims 6-8, the Examiner states that Ginsberg discloses (Fig. 1-5 and Col. 1, lines 17 to Col. 6, line 8) an Internet Protocol Network Telephony (IPNT) call-routing system for routing incoming IPNT calls to at least one agent station in an IPNT capable call center (Fig. 2, Ref 375 is an agent workstation at a center), comprising an initial call processing system in the Internet receiving IPNT calls from customers in the Internet (Fig 2 Ref 275 is a customer for making an Internet call to a call routing system; See Col. 3,

lines 7-27), and including a SCP processor routing the incoming IPNT calls to selected agent addresses at the at least one call center (Fig. 2 Ref 275 is a call service and routing for selecting an address of an agent for routing a call; See Col. 4 lines 1-37).

Applicant argues that Ginsberg fails to teach an SCP at the Internet level. All of the components used to route communications from customers to agents reside at the call center of Ginsberg. Column 3 lines 10-27 of Ginsberg clearly teaches that a customer contacts the call center of Ginsberg from a computer/display device **175**, which the customer uses to establish communication to the desired organization. Once contact is made with the desired organization the organizations dynamic graphical interactive display server **200** provides the customer with a graphical display of the call center's available services. Applicant argues that the server **200** and the control and signaling module **275** are at the call center of Ginsberg. Ginsberg fails to teach a SCP in the Internet as claimed. Applicant points out that this argument was presented in the last response filed by the applicant. Applicant respectfully requests the Examiner respond to the above argument regarding Ginsberg.

The Examiner states that Ginsberg fails to disclose a SCP which receives the agent information from a plurality of call centers for storing in the database in order to route the incoming calls to the call center. The Examiner relies on Becker to disclose a method and system which includes the SCP communicating with a call center router and having a database for storing agent status information for connected call centers.

Applicant respectfully argues that the art of Becker does not receive agent information from a plurality of call centers for storing in a database in order to route the incoming calls in a call center. Becker clearly teaches that for each call received at network switch 30, the NPTS queries individual call centers for load status before making a routing decision for that call (col. 12, lines 25-38). There is absolutely no teaching in the art of Becker for storing

call status information in a database at the network level. Information is queried from each call center on a per call basis. Further, applicant argues that Becker does not have Internet capable equipment to perform the functions of the database and SCP as claimed in applicant's invention. Applicant believes claim 6 is clearly patentable over the art of Ginsberg. Applicant believes the Examiner has misinterpreted the art of Ginsberg and Becker. Claims 7-9 are patentable on their own merits, or at least as depended from a patentable claim.

On page 4 of the Office Letter, item 5 rejects claims 6-9 and 14-16 as being unpatentable over Andrews (U.S. 5,848,143) in view of Becker (U.S. 6044144). The Examiner states that Andrews teaches an IPNT call processing system comprising an initial call processing system in the Internet (408) for receiving calls from customers (410, 412) in the Internet. The Examiner continues to state that Andrews differs from the claimed subject matter in that Andrews database is within the call center as opposed to being remotely located from the call center, located in the Internet and routing the incoming call to the call center.

Applicant argues that **element 408 of Andrews is taught to be the Internet** (network), not an initial call processing system in the Internet as claimed. The Examiner's statement that Andrews' element 408 is an initial call processing system in the Internet is completely erroneous.

Applicant has repeatedly argued, during ongoing prosecution of the present case, that the art of Andrews does not teach an SCP in the Internet as claimed. Applicant respectfully points out that that all of the art provided by the Examiner **still fails** to disclose an SCP in the Internet. SCP's as known in the telephony art are computerized service control points that provide central routing intelligence in the network.

Applicant strongly argues that the Examiner, to date, has not referenced any portion of Andrews which discloses an SCP **at the Internet level as claimed**. Applicant's independent claims clearly recite an SCP at the Internet level.

Regarding the art of Becker, applicant points out the argument presented above wherein Becker does not receive agent information from a plurality of call centers for storing in a database in order to route the incoming calls in a call center. Becker clearly teaches that for each call received at network switch 30, the NPTS queries individual call centers for load status before making a routing decision for that call (col. 12, lines 25-38).

Applicant argues that obviousness cannot be established by combining the teaching of the combined art to produce the claimed invention, absent some teaching or suggestion supporting the combination. Under section 103, teachings of references can be combined only if there is some suggestion or incentive to do so found in the art or notoriously well known in the art. Applicant argues that the only motivation provided for the combination is derived from applicant's claimed invention.

The combined art could not produce applicant's claimed invention as argued above. There is no enabling disclosure in the art provided by the Examiner teaching a SCP in the Internet for routing IPNT calls, or communicate with and store gathered information at the network from an interface in any IPNT call center. Further, there is no enabling disclosure in the art of Andrews to teach the connection, or communication between the routing server 480 and a SCP in the Internet 408.

Applicant strongly argues that because the Examiner has, again, not provided valid art showing a SCP in the Internet the obvious rejection fails. Applicant asserts that at the time of filing the present application service control points did not exist in the Internet. Internet routing nodes known in the art are simply not capable of doing skill based routing. These nodes are limited to using routing tables only. Applicant's invention provides a new and innovative approach to IPNT call routing wherein a SCP in the Internet has access to specific information from an IPNT capable call center to intelligently route IPNT calls at the data network level.


Applicant believes Claims 6, 14 and 16 are clearly patentable over the art provided by the Examiner. Claims 7-9, and 15 are patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims presented by the applicant have been shown to be patentable over the prior art in this case, applicant respectfully requests reconsideration to allow the claims, and the case passed quickly to issue.

If any fees are due beyond fees paid with this amendment, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this amendment, such extension is hereby requested.

Respectfully Submitted,
Alec Miloslavsky

by _____


Donald R. Boys
Reg. No. 35,074

Donald R. Boys
Central Coast Patent Agency
P.O. Box 187
Aromas, CA 95004
(831) 726-1457